

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

Patrick G. Popo

Case No.: 16-31730

Judge: Michael B. Kaplan

Chapter: 13

CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION

The debtor in this case opposes the following (choose one):

1. ☒ Motion for Relief from the Automatic Stay filed by Santander Consumer USA Inc., creditor,

A hearing has been scheduled for February 28, at 9:00 am.

- ☐ Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for _____, at _____.

- ☐ Certification of Default filed by _____.

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons (choose one):

- ☐ Payments have been made in the amount of \$ _____, but have not been accounted for. Documentation in support is attached.

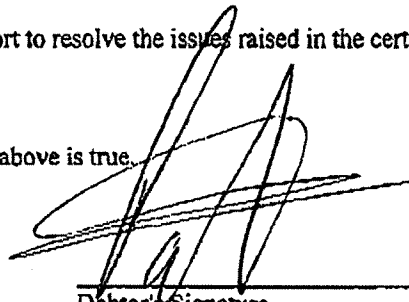
☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (explain your answer):

☒ Other (explain your answer):
See attached.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.

4. I certify under penalty of perjury that the above is true.

Date: 2/14/17


Debtor's Signature

Date: _____

Debtor's Signature

NOTES:

1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustee's Motion to Dismiss.
2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.

Patrick Popo
Case No.: 16-31730
Attachment to Opposition to Santander Consumer USA Inc.
Motion for Relief from Stay re 2011 Buick Enclave

The motion alleges that insurance is not in place but insurance was never requested by Santander's counsel. I provided proof of insurance to the Trustee prior to the First Meeting of Creditors. Had the proof of insurance been requested it would have been produced. Car insurance has remained in place and I believe the motion should never have been filed.

My attorney sent proof of insurance to Santander's counsel immediately upon receipt of the motion on February 7, 2016. The motion does not allege that I am delinquent with my Trustee payments and does not comply with the local rules.

Additionally, on Monday, February 13, 2017, I received the supplemental certification of Santander two weeks before the return date of the motion and one week after the motion was filed. This contains the first allegation that I am four payment behind outside plan. Attached as Exhibit A is proof of four payments of \$394.89 (\$1,579.56) paid to Santander on February 21, 2017.

As I am now current with payments and insurance has always been in place covering Santander, I respectfully request that the motion for relief be denied.

Exhibit A

Patrick G. Popo

Paid 4 payments of
\$394.89

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CUSTOMER RECEIPT

DATE: 02/21/2017 09:48

REFERENCE: 0317-0115-837-0773818

CUSTOMER PRESENTS: Cash In: \$1,579.56

DEPOSIT/PAYMENT:

SCUSA ***8221: \$1,579.56

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